

Meeting No. 12
June 23, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, N.Y. 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilman
	Joan A. Kesner	Councilwoman
Absent:	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Joseph Coggins	Police Chief
	Gerard Kapsiak	Town Engineer
	James Spute	Finance Director
	Tim Regan	Community Development Assistant
	Drew Reilly	Planning Consultant
	Kurt Allen	Supervising Building Inspector
	Joseph Wenzel	Recreation Specialist
	John Farrell	Director of Senior Services
	Tim Ellis	Traffic Safety

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

7:00 p.m. Public Hearing to permit Scranton Volunteer Fire Company, Inc. to obtain financing for Fire & Rescue Apparatus.

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Hamburg, Erie County, New York, on June 23, 2003, at 7:00 P.M. (Local time) at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, for the purpose of permitting the SCRANTON VOLUNTEER FIRE COMPANY, INC. to obtain \$206,632.50 financing for a 2004 Spartan/Saulsbury Custom Built Fire & Rescue Apparatus for the SCRANTON VOLUNTEER FIRE COMPANY, INC.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

DATED: June 2, 2003

Catherine Rybczynski
Town Clerk
Town of Hamburg

Curt Covert, Treasurer Scranton Volunteer Fire Company, comments that the financing that they are going for is a lease purchase program through Federal Signal, which is the owner of Saulsbury. They met with the taxpayer group already and explained to them that the payments for this vehicle are already built into their truck depreciation account which is already funded for this year. They told the Board last year that their budget will not go up and it won't. The financing is through Federal Signal, they went to local banks such as M & T Bank, but what Federal Signal offered is that they are paying them 4.5% interest on their down-payment of \$175,000 for the fourteen months that they have their money. The interest rate on the loan is 4.77%, which is maybe a little higher than M & T Bank, but the money they are making on the down-payment more than makes up for it. The total cost of the vehicle is \$437,820.00, less trade-in on the existing rescue truck is \$47,000.00, also less the \$175,000 down-payment, and less the \$9,187.50 in interest they will earn over the 14 months leaves a total of \$206,632.50 that they need to finance.

The reason for purchasing the new vehicle is that their existing rescue truck is too overweight. The existing box on the one they have now is a fifteen foot box and the new truck has an eighteen foot box with more storage cabinets on top. There is room in the cab for three more members. They have become very specialized in extrication. With the Thruway, Camp Road and Route 20 there is a need for this. Councilwoman Kesner asks the age of the existing vehicle and Curt responds that it is a 1992 and it has served its purpose. Councilwoman Hochul asks to come up with the \$175,000, have they been putting money away. Curt responds that they have a line item included in every budget for truck depreciation that goes toward the purchase of new vehicles.

Supervisor Hoak commends Scranton Volunteer Fire Company for a number of reasons. The first is that they meet with the Taxpayer groups to keep them informed of what they are doing. This is a good example of the Volunteers working with the community. He also commends them, and other Volunteer Fire Companies who have a capital expense for purchasing equipment. This is the way to do this, the equipment is ten years old now, they have planned and saved up money to purchase new equipment at a reasonable rate.

Bob Reynolds wants to compliment the Fire Company for all they did at the Mercy Flight accident at the Ford Plant.

I.

RESOLVED, that the Town Board close the Public Hearing at this time.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

Supervisor Hoak then comments that although they normally wait two weeks, the homework has been done, the money can be saved and he makes a motion as follows:

II.

RESOLVED, that the Town Board approve Scranton Volunteer Fire Company, Inc. obtaining \$206,632.50 financing for a 2004 Spartan/Saulsbury Custom Built Fire & Rescue Apparatus.

Moved: Hoak
Seconded: Kesner
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

III.

RESOLVED, that the Town Board approve the minutes from the following meetings:

June 9, 2003	Town Board Meeting
June 16, 2003	Work Session

Moved: Hochul
Seconded: Cavalcoli
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

IV.

BE IT RESOLVED, that the Town Board of the Town of Hamburg schedules a public hearing for July 14, 2003, at 7:00 p.m., for the purpose of reviewing the application of Adelpia for the renewal of their franchise agreement.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the BERKLEY SQUARE SUBDIVISION PHASE 9 work performed under Public Improvement Permit Nos. 746, 747, 748 and 749 be received and accepted, and that the Supervisor is authorized to sign the report.

Moved: Cavalcoli Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

RESOLVED, that the Town Board approve the hiring of seasonal part-time personnel for the Recreation Department as follows:

1.	Nye, Jeff	E7251(225) Rec. Attendant	06/18/2003	\$6.00
2.	Haefner, Jessica	B7310(320) Rec. Attendant	06/24/2003	\$5.75
3.	Nicosia, Katy	A7265(230) Rec. Attendant	06/18/2003	\$7.50
4.	Adornetto, Jill	B7310(320) Rec. Attendant	06/23/2003	\$6.50
5.	Busha, Kelly	B7310(320) Rec. Attendant	06/23/2003	\$6.00
6.	Castanza, Jenea	“	”	\$6.00
7.	Clark, Lindsay	“	”	\$6.00
8.	Collins, Lauren	“	”	\$6.00
9.	Gavin, Jody	“	”	\$6.00
10.	Kull, Joseph	“	”	\$6.50
11.	Kurczewski, Jeffrey	“	”	\$6.50
12.	Lardo, Jennifer	“	”	\$6.00
13.	Larson, Andrea	“	”	\$6.00
14.	Nelson, Shay	“	06/30/2003	\$6.50
15.	Newton, Kelly	“	06/23/2003	\$6.00
16.	Nicholas, Lisa	“	”	\$6.00
17.	Sabitini, Jeffrey	“	”	\$6.00
18.	Schulz, Elizabeth	“	”	\$6.00
19.	Schulz, Susan	“	”	\$6.00
20.	Springer, Lindsay	“	”	\$6.00
21.	Suffoletto, Christopher	“	”	\$6.50
22.	Szczur, Celia	“	”	\$6.00
23.	LoVullo, Megan	“	”	\$5.75
24.	Schmitt, Christine	“	”	\$9.25
25.	Gallardo, Nicholas	“	”	\$7.00
26.	Battaglia, Renee	“	06/24/2003	\$5.75
27.	Bukaty, Edward	“	”	\$5.75
28.	Lantzy, Emily	“	”	\$5.75
29.	Regelski, David	“	”	\$6.50
30.	Ryan, James	“	”	\$5.75
31.	Ryan, Robert	A7265(230) Rec. Attendant	06/19/2003	\$7.25
32.	Petry, Kristina	B7310(320) Rec. Attendant	06/24/2003	\$6.50
33.	Dash, Lea	“	”	\$6.50
34.	Vacanti, Keara	“	”	\$5.75
35.	Barrett, Gina	“	06/16/2003	\$8.00
36.	Houseman, Elise	A7265(230) Rec. Attendant	06/16/2003	\$7.00

Moved: Kesner Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the DEER SPRINGS SUBDIVISION PART 2 work performed under Public Improvement Permit Nos. 794, 795, 796 & 797 be received and accepted, and that the Supervisor is authorized to sign the report, and

Moved: Cavalcoli
Seconded: Kesner
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

RESOLVED, that the Town Board grant permission for the Senior Services Department to enter into an Agreement with HealthCare Dimensions Incorporated (HCD), a national company that promotes health through managing the SilverSneakers Fitness Program for partnering Medicare health plans; at no cost to the Town of Hamburg.

Councilman Cavalcoti comments that this is a unique program that benefits our Seniors, it is assisting in the cost of not only healthcare but also physical fitness. Mr. Farrell comments that this is a National Company out of Arizona that contracts with health insurance companies and they manage and sell their program, which is a physical activity program, to the health insurance companies so that if you are a medicare eligible person, 65 or older, that has that particular insurance health company you would be able to come into the Town of Hamburg Senior Services wing and they would pay for their participants, at no cost to the individual. The Town receives a \$2.50 fee for every time a person comes through the program. Councilwoman Kesner comments that this is a great mechanism to get our Seniors involved in a physical fitness program.

RESOLVED, that the Town Board approve the hiring of personnel for the Building and Grounds Department as follows:

Moved: Kesner
Seconded: Hochul
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

Councilman Cavalcoti comments that there will now be a series of rezonings that are being passed on to the Planning Board for their review. The policy we have had in place for over two years now is that anyone who puts in a rezoning, it goes before the Zoning Review Committee and Code Review Committee to see if it has any merit or enough merit to be passed on for review. If it has no merit it goes no farther. The Planning Board has been working overtime the last three months. There have been a number of items on their agenda, they had an extra session last month, knowing that the Town Board was only going to have one meeting in July and one in August. So in order to expedite the schedule these are all showing up tonight in order to get them in before the summer schedule.

WHEREAS, the Town of Hamburg has received a rezoning petition from David and Deborah Fite for the rezoning of property located at 5560 Deacon Street from R-1, Single Family Residence District to C-1, Local Retail Business District, and

WHEREAS, the Zoning Code Review Committee and Town Board have reviewed this application, and

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board finds merit in this application, but with concerns about the ability to buffer this use from the adjoining residential properties, and

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

Bob Reynolds, Scranton-McKinley Taxpayers Association, comments that this resolution and the next one both concern their Taxpayer Association and asks if he could get a copy of when these will be coming before the Planning Board. Drew Reilly comments that they will be discussed in July. July 2nd will be the Work Session and July 16th will be the regular Planning Board meeting. They will review it for a month or two, public hearings will be held and then the Town Board decides whether to rezone it or not.

WHEREAS the Town of Hamburg has received a rezoning petition from J M Webster Development for the rezoning of property located on Fairgrounds Road (near Sowles) from R-1, Single Family Residence District to R-2, Single Family Residence – Attached District, and

WHEREAS, the Zoning Code Review Committee and Town Board have reviewed this application, and

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board finds merit in this application, and hereby refers it to the Planning Board for their review, comment and recommendation.

Councilman Cavalcoti comments that this will also come up at the same Planning Board meeting. This rezoning they felt had merit because it was in the transition zone going into the R-1 area. There are already duplexes nearby, it will be adjacent to where the Oliveri Construction is. It will not impact the other end of Fairgrounds Road where is higher-end single family residents.

Gerry Wojcik, Grafton Ave., questions the statement Residential/High Density/Mixed-use area. If you rezone this then the next property borders on this area and right on down the line. Councilman Cavalcoli comments that this is what needs to be taken into consideration. This is why it needs to be looked at, it is due process. There are many concerns.

WHEREAS, the Town of Hamburg has received a letter from the Wal-Mart Stores, Inc. asking that the Town review the zoning of their property at “7 Corners” and consider changing the zoning from C-1, Local Retail Business District to C-2 General Commercial District, and

WHEREAS, the Zoning Code Review Committee and Town Board have reviewed this request.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board refers this letter to the Hamburg Planning Board and Planning Department to review the zoning of this property and all of the properties in the “7 Corners” area, and

Moved: Cavalcoli
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

Councilman Cavalcoli asks Drew Reilly to comment on this.

Drew Reilly comments that in 1998 the Town had two zoning codes for commercial, C-1 and C-2. Basically they were almost the same. You could put a Wal-Mart in C-1 or C-2 and they determined that C-2 was for big uses and C-1 was for smaller uses. Their thoughts were that they should have changed their zoning to C-2 when they changed the zoning code because they made their building into non-conformance when they changed the zoning code. The question is why now. They want to have as many options available on their property as possible. If they were to sell the building to someone else they said, who would want to buy a building that is in non-conformance. They haven't made a rezoning request, they have just asked them to look at the entire area, Tops across the street included.

Councilman Cavalcoli comments that he and all the other Board members get bombarded with questions, when out in the public, questioning what is going on with Wal-Mart. The Board doesn't know at this time. He was able to schedule a meeting with their regional project developer and their attorney. They posed those same questions and they said basically they are not at liberty to say. They are considering a number of options. One option is to expand where they are at. In order to expand where they are at, they would need the rezoning because they are a non-conforming use. If they decide that there is a better place for them to go in Hamburg then they would sell that property and they can not sell it as a non-conforming use, it is illegal. Either way they requested the Town to rezone it to the proper type so that they could fit in with the proper use. He did receive a call from their national real estate representative who is trying to set up a meeting with the Supervisor and himself to talk about the issue where they are going to go.

Councilwoman Hochul comments that if they didn't sell it to one of their affiliates, such as Sam's Club, do they need a rezoning. Drew responds that in order to put in a Sam's Club they may actually have to tear down the building and to do that they would be non-conforming. This leaves them with no options. If they just changed the sign they could move in as a non-conforming use, but they could make some changes. Councilman Cavalcoli comments that his question to their attorney was Sam's Club is not Wal-Mart and because of the way the Corporations are structured they would actually have to sell the Wal-Mart property to Sam's Club. Drew comments basically they want more options. Councilwoman Kesner comments that she wants to work with them. The last thing she wants to see in Hamburg is another empty building.

Jerry Wojcik comments that if they were conforming prior to this change in 1998 where is the problem in them reverting back to pre-1998 when they were conforming. Councilman Cavalcoli comments that when they built, they were conforming, then the Town re-wrote the codes and changed what could be put in that zone, after they were already there. The Town made them non-conforming. Mr. Wojcik asks why they can't change them back to the conforming zone. Drew explains that their zoning remained the same, the Town changed the code and you can't change the code back to what it was. Councilwoman Hochul comments that it may have merit, but it opens it up to other uses, such as gas pumps, that are not allowed there now.

Bob Reynolds questions if light manufacturing is included in C-2. Councilman Cavalcoli responds no that is in the M zones. Bob suggests that maybe that building could be used for light Manufacturing. Councilman Cavalcoli responds that isn't a bad idea, however, the Master Plan calls for that entire area to be a regional commercial area. They generally don't put industrial zoning where they have residential nearby. That might be one of the drawbacks for that. Bob comments that we need to keep these buildings occupied.

Joe Kilian comments that in a world of give and take, Wal-Mart seems to take more than they give. Could they please put up a building that doesn't look like Mr. Oil Change. Councilman Cavalcoli comments that Councilwoman Hochul has been strong on the architectural standards.

Councilman Cavalcoli comments that all this is doing is referring this to the Planning Board to review that entire area and give the Town Board a report with their recommendations and considerations for that area.

Supervisor Hoak comments that this is not as simple as it might appear. There will be no give and take from Wal-Mart in this situation. No matter where it goes people will say "not in my backyard". If we are going to just reject any options they may have, why should they stay. There are many rumors but no one knows. We will keep you posted as it unfolds, but if there is no give and take our chances of them staying are not good.

Bob Reynolds comments that the reason he is against the site where Caulkins was is that the closer you get to the Village the more it affects small businesses.

Councilman Cavalcoti comments that if they build a Supercenter they would need 30 to 34 acres to do that. There are not a lot of available sites, particularly as you get closer to the Villages. They have made recommendations to their staff as to what they thought were reasonable sites. Such as, along Camp Road, near the Thruway or Brierwood Plaza. Wal-Mart has been a good neighbor so far, they have done a lot of community service and when they have been asked to clean-up they have done it right away, they hired a lot of people and bring a good tax base in. We need to work with them but, it can't be one sided.

XIII.

WHEREAS, the Town of Hamburg has received a rezoning petition from Harry and Esther Hiller for the rezoning of property located on North Creek Road (near Southwestern Boulevard) from C-2, General Commercial District to NC, Neighborhood Commercial General Residence District, and

WHEREAS, the applicant desires this rezoning to allow for the construction of a single family home, and

WHEREAS, the Zoning Code Review Committee and their Board have reviewed this application, and

WHEREAS, the Hamburg Comprehensive Plan calls this the Rural/Semi Rural Residential area, and the Lakeview area, which calls for rural residential zoning and the preservation of existing commercial areas, and

WHEREAS, the NC zoning will allow the construction of a large lot single family home, but also preserve the potential for small scale commercial development.

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board finds merit in this application, and hereby refers it to the Planning Board for their review, comment, and recommendation.

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

Councilman Cavalcoti comments that this one is currently a C-2 General Commercial Zone, they want to build a single family home. It is illegal, by code, to build a residence in a commercial zone. In discussion he urged the Planning Consultant to go to Neighborhood commercial because it maintains a commercial zone in Lakeview and they have said there will be no more rezonings in Lake View, particularly to increase commercial zones. However, they didn't want to take away commercial opportunities because as the Lake View area grows there needs to be some opportunities for commercial development. So, they combined them both into this zoning. It allows for single family residence and also allows for limited commercial development at some time in the future. Drew comments that the only other way to go on this was an R-1 and then they would have an R-1 in the middle of an R-A and C-2 area.

Councilman Cavalcoti comments that the next resolution is a step towards winding down the six month moratorium. They are on a very aggressive schedule and have been dealing with a lot of issues. Not all of the issues could be accomplished in the six months so they have taken them off the table. Councilwoman Hochul has been extremely supportive and hardworking on this along with the committee of Kurt Allen, Dick Boehm, Drew Reilly, Dick Crandall and they have had input from Engineering, Traffic Safety and they feel that they are ready to call for a public hearing on the following items.

XIV.

WHEREAS, the Town of Hamburg issued a major subdivision moratorium, Local Law No. 1-2003, to allow the Town the time to review its zoning and subdivision regulations to bring them more in accordance with the Town's Comprehensive Plan, and

WHEREAS, the Zoning Code Review Committee with assistance from many Town departments have drafted new ordinances or revisions to existing ordinances as follows:

1. Creation of a tree management ordinance
2. Revision to § 230-17 (I) of the subdivision law
3. Creation of a conservation easement law
4. Revisions to the south central Hamburg overlay (add a new paragraph 280-120.15L), Lakeview overlay (add a new paragraph 280-120.18 A 10) and southeastern Hamburg overlay (add a new paragraph 280-120.28J)
5. Revisions to subdivision code adding new paragraphs to 230-17 “O., P., and Q.”
6. Amendments to §230-20, §230-21 and §230-14 E of the subdivision regulations
7. Amendment of Article XXVIII, Cluster Development of the Zoning Code.
8. Creation of a Wetlands Protection Ordinance
9. Amendments to the bulk requirements of the residential districts of the Zoning Code
10. Amendment to Code Section 280-167(A), driveway locations

and

WHEREAS, these new codes have been reviewed by the Town Board and have been found acceptable for public review.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board hereby sets a Public Hearing on these proposed Zoning and Subdivision Law Amendments for July 14th at 7:30 p.m.

BE IT FURTHER RESOLVED, that in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Town of Hamburg would like to claim Lead Agency and conduct a coordinated review of these proposed ordinances and amendments.

Moved: Cavalcoli
Seconded: Hochul
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

Drew Reilly comments that this information will be available next Monday at the Town Clerks Office, at the Libraries and out on the Web-site. Councilman Cavalcoli also advises the public that what you see written may have slight modifications, as a result of any fine tuning done before the public hearing. Following the public hearing they will do additional changes and modifications before they do the resolution to amend the Code. Councilwoman Hochul comments that they started out with a very aggressive agenda in the beginning and she commends Councilman Cavalcoli for taking on this task. We made a pledge to the business people that they would be done in six months and through Councilman Cavalcolis leadership we should be able to accomplish that. She commends him and is looking forward to having laws that will preserve the way we build homes in this community.

Bob Reynolds questions when this will be on the web-site. Drew comments that he will give a disk to the Town Clerk on Monday and it should be available on Tuesday. Drew comments that there are a couple of revisions but most of the changes are additions or brand new ordinances. Councilman Cavalcoli comments that the wetlands protection will be brand new. By doing this they are cleaning up the language, making the interpretation less open ended, giving more direction to the review process and to the chain of events that follow the review process.

RESOLVED, that the Town Board approve the membership of the following into the Big Tree Volunteer Firemen's Co., Inc.:

Joshua G. Bigaj
4230 E. Allen Street
Blasdell, N.Y. 14219

Moved: Kesner Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
 Noes: None
 Carried

XVI.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Town Board within the 2003 Budget as follows:

From: Town Board Misc.	A1010.451	\$25.00
To: Shoreline Misc.	A8710.451	\$25.00

To fund for dues for Seaway Trail membership.

[illegible]

XVII.

RESOLVED, that the Town Board approve the hiring of Seasonal Part-time for the Recreation Department as follows:

1.	Urban, Jonathan	B7310(320) Rec. Attendant	06/24/2003	\$6.50
2.	Poliseno, Jessica	“	”	\$6.50
3.	Crane, Julieanne	“	06/23/2003	\$6.35
4.	MacNeil, Dylan	“	”	\$9.25
5.	Kurczewski, Jeff	“	”	\$6.60
6.	Suffoletto, Christopher	“	”	\$6.60

Moved: Kesner
Seconded: Cavalcoli

Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

XVIII.

RESOLVED, that the Town Board approve the termination of personnel for the Public Safety Dispatch as follows:

1. Wells, Joseph	Public Safety Dispatcher - P/T	06/23/2003	Terminate
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Moved: Kesner Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner
Noes: None
Carried

XIX.

BE IT FURTHER RESOLVED, that TH-1 BE A GOOD NEIGHBOR signs be posted on both the east and west sides of Walbridge Drive at the intersection with Route 5 and the intersection with Mount Vernon Boulevard.

XX.
RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

OPERATING FUND:

TOTAL OPERATING FUND DISBURSEMENTS: \$2,857,678.79

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 545,193.57

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 416,121.96

TOTAL PAYROLL DISBURSEMENTS: \$ 490,512.03

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, kesner
Noes: None
Carried

Correspondence

Letters 78 to 87 - Supervisor Hoak comments that these are from Frontier Middle School, which was a school project, where they commented on different issues throughout the Town. It is great to have the kids interested in issues because these are our future voters. One young man was concerned about the laying off of Police Officers and how it would affect the community. In all his years on the Board they have never laid off any Police Officers and there are not any plans to do so.

Letter 90 - Supervisor Hoak comments that this is from the Hamburg Moose thanking the Town for being at their annual flag burning ceremony. This is the only official place in New York State that you can do this.

Letter 93 - Supervisor Hoak comments that this is from Marianne Tomani, Woodlawn Beach Taxpayers Assoc., requesting the Town to address some concerns they have. He comments that he has referred her letter to the Recreation Department, Highway and B & G Department. Councilwoman Kesner questions if Item #2 in her letter refers to the Town or State Parks Department. Marianne responds the State. Supervisor Hoak comments that he will have to refer this to them. He then asks Joe Wenzel to look into Item #3, playground equipment which is a safety issue. Marianne comments that they have been in contact with the State and they wanted her to address some of the concerns with the Town. She doesn't agree, especially the issue of erosion along the Rush creek which was diverted into Blasdell creek and now the two creeks go down to the Beach. They are trying to keep it as far north as they can, away from the bathing area, because of the pollution and bacteria problems. However, in turn residents are complaining that the flow of water is not natural and there is a lot of water not emptying into the lake and it is backing up behind the houses on 7th street. This is causing a lot of erosion. Supervisor Hoak questions if the State has given them any plan for this. Marianne responds that it depends on who you speak to. She has spoken to the State and to the DEC. According to the State they believe a storm came through one night and re-routed the creek. The DEC did contact her on Friday and they pulled out an old map that showed the creek entering the lake towards the bottom of sixth and seventh street. It now enters the lake over almost to Lake View Ave. so they agreed that something happened, but the State told them the same thing about the storm. Supervisor Hoak asks Mr. Kapsiak to call the DEC and set up a meeting down there to see if they could get a response. Mr. Kapsiak questions who at the DEC she talked to. Marianne responds that she has the names at home. Mr. Kapsiak asks her to call him so that they are talking to the same people. She then comments on issue #5 concerning the drainage, she was told that the drainage would be completed last fall and many of them tolerated it through the winter. At the top of fourth Street at the Church of Christ there is a lot of standing water that froze over the winter and people have fallen. They would like to get this addressed and finalized, it is a major safety issue. Supervisor Hoak comments that he will talk to Mr. Connolly on that.

Letter 94 - Supervisor Hoak comments that this is concerning the moving of a bell that was in the same location for 100 years. He will look into why it was moved.

Letter 95 - Supervisor Hoak comments that this is thanking all the individuals who were involved in the 24-hour relay from Tammy Franz of the Youth Department. It was very successful having 4-5 hundred students involved. Councilwoman Hochul comments that it rained almost the entire time but it is a great activity for the kids in this town. It was the 10th anniversary and the last time it will be held. Supervisor Hoak comments that one of the options is to have a 12 hour relay at Frontier.

Letter 96 - Supervisor Hoak announces that this is notifying the public the Erie County Development Agency is holding a public hearing on July 14th at 11:00 a.m. concerning the Creek Bend Heights Apartments Project.

Letter 81 & 82 - Bob Reynolds questions if the Town is the one who puts the curfew on teenagers at the Mall. Supervisor Hoak comments that the mall is a private business and they would be the ones to do that.

Letter 92 - John Leitten is present and asks them to address his letter. Councilman Cavalcoli comments that he read his letter and this should be referred to the Recreation Department and the Legal Department. There are things we have to deal with in terms of liability with people coming onto the property looking for “treasure”. Mr. Leitten comments that he takes his grandchildren and it is a walk in the woods or a park. You enter in the coordinates and where ever the GPS tells you to go you go. Councilwoman Hochul questions where else they have done this. Mr. Leitten comments that within a 100 mile radius of Hamburg there are close to 1,000 geocaching sites. The closest would be in centennial park, another would be the bird sanctuary. Supervisor Hoak asks Mr. Wenzel to bring this to Mr. Denecke’s attention.

Reports from Town Board Members and Department Heads

Councilman Cavalcoli comments that he already discussed the moratorium, Wal-Mart and various rezonings. The Tops market, Benderson site on Milestrip is in a review process. The developers are preparing a Draft Environmental Impact Statement, they made a presentation on the wildlife and conservation issues to the Conservation Advisory Board, they still need to complete the wetlands portion, so they expect that sometime within the next 15-30 days they will receive a Draft Environmental Impact Statement and from there they go through the review process. Through Mr. Kapsiak, they have received information that the Town may be in line for a considerable grant from the EPA to put towards our overflow sanitary sewer projects within the Town. As soon as he has confirmation they will make a public statement. This will help tremendously with our master sewer improvement area.

Councilwoman Hochul wants to comment on the assistance for Bethlehem retirees. In February, when they received word that Bethlehem retirees would be losing their health care benefits as a result of a bankruptcy, they took action. They passed a Town Board resolution that was forwarded to other Towns in the County of Erie which was enacted by other municipalities and they initiated a campaign for signatures and sent that off to representatives from the State and Federal Government. She was just asked today to comment on something that the Senate did today which was pass a bill which would establish a State policy to protect healthcare benefits of displaced workers or retirees when their benefits are eliminated due to foreign competition. They project that this will protect the Bethlehem retirees. The Governor also has seen the light and will be requesting assistance under the Federal Trade Adjustment Act which allows a tax credit for people who pay for their health benefits. She feels that the efforts started in this room with all the media attention they drew and this got Albany to act. When Senator Clinton was in Town it was very much on her agenda. She feels that this is just the tip of the iceberg and we need to have a policy in place at the national level so that if this happens to other businesses that there is a safety net for people. So you don’t get people who are accustomed to having their benefits paid for having to come up with \$600 or up monthly premiums to cover benefits.

Supervisor Hoak comments that this is great news. He then comments that Highland Acres has been waiting 50 years for sewers and we had to get some money to get this in motion so they went to a BAN so they could borrow some money. We can get the loan at .92% , who would have thought you could borrow money at less than 1%. The upgrade in our bonding has been good.

Mr. Kapsiak comments that they did get plan approval for the Sanitary Sewer Rehabilitation Project. This is a project that will involve the replacement of about 4200 feet of sewer along Stilwell Road and Rogers Road. About two years ago residents came in to complain about sewer backup problems that they had been having and they had to go through a whole study process and then design plans and specs and finally they got the necessary State Approval. They are looking at a July 10th bid opening. This should be done before the end of the year. Councilman Cavalcoli asks if the grant money comes through from the EPA can we use that money for this project. Mr. Kapsiak comments that is the intention.

Bob Reynolds comments that they did a bond last year for the sewers for \$500,000 so, if we get that grant can they use the bond money elsewhere. Mr. Kapsiak comments that it will make a portion of that money available. Mr. Reynolds questions if they have another project in mind. Mr. Kapsiak comments that there are other additional areas that need sewer rehabilitation, especially those areas that are attributed to the Blasdell Plant which are affecting Woodlawn Beach. Mr. Reynolds comments that the United Council has been trying to stay on top of where the sewer projects are being done every year with the \$500,000 funding.

Tim Regan, Community Development Assistant, announces that their Capers Report, which is their year end report, is available for public review for the year April 2002 through March 2003 and it is available in his office, the Town Clerks Office and at the Library.

Business From the Floor

Vera Kaiser comments that Sowles Road is a County Road, but it needs to be trimmed because when you come up from Fairgrounds to Sowles you need to get out on to Sowles to see. Supervisor Hoak asks Mr. Ellis, Traffic Safety, to get in touch with the County about the visibility problem on Farigrounds and Sowles.

Supervisor Hoak thanks everyone for their attendance.

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Correspondence - June 23, 2003

79 - To Supervisor Hoak from Gavin Hillery, 3490 Parkwood Common, stating that he is a

student at Frontier Middle School and he is concerned about car accidents on Southwestern Blvd.

Commenting that he feels traffic lights should be placed near Rogers, Amsdell and Abel on Route 20.

80 - To Supervisor Hoak from Shelby Longbine, 29 Foster Ridge Dr., stating that when she goes out with her family she sees lots of empty buildings that could be reused. She suggests turning them into stores, malls or youth centers.

81 - To Supervisor Hoak from Jacob Rich, 5461 Country Club Lane, writing on the growing trend of closing off malls to youth on weekends. He suggests having more security guards and cameras.

82 - To Supervisor Hoak from Jonathon Blankenship, 4555 Oxford Terr., writing in regard to the mall curfews for kids under 18, stating that this makes kids feel as if they are all evil and cannot be trusted.

83 - To Supervisor Hoak from Erica Jankowski, 1525 Schoellkopf Road, stating she has a concern with the new homes developing in the Lakeview area. She is concerned about the traffic and the taking away of greenspace.

84 - To Supervisor Hoak from Nicole Karek, 5940 Elmhurst Road, stating that there are many empty buildings in the plazas located near the fairgrounds. Suggesting that if they cannot fill them they should tear them down and build a Rec-plex consisting of arcades, batting cages, tube jungles, go-carts or a playing field for soccer.

85 - To Supervisor Hoak from Chris Hanna, 4536 Windsor Terr., stating that she is a student at Frontier Middle School and would like to know if they could put something in the Ames plaza such as a kid's play zone where parents could drop off their children and go shopping at Tops.

86 - To Supervisor Hoak from Katie Rombkowski, 3635 Harrison Ave., stating she was told that they want to put in a new Tops in her neighborhood. She feels that this would be an environmental problem due to the increased traffic and exhaust, and the fact that they would have to destroy trees and force animals to live somewhere else.

87 - To Supervisor Hoak from Rachel Sweeney, 5265 Fairgrounds Road, writing to complain about the houses being built in her neighborhood. They are taking out lots of woods, it is noisy and there are more & more birds, rabbits and deer because they have no place to go.

88 - To the Town Board from Harter, Secrest & Emery, LLP acting on behalf of Wal-Mart requesting the rezoning of property located at the corner of Big Tree Road and McKinley Parkway from C-1 to C-2.(pre-filed)

89 - To Supervisor Hoak from Melissa McDonald, 3609 Harrison Ave., writing about the amount of accidents and deaths in the past couple of years on Southwestern Blvd. From South Park to Camp Road. Proposing that the community should hold fundraisers such as car washes, Chinese auctions, BBQ's or spaghetti dinners to help speed up the process of getting the center turning lane put in.

90 - To Supervisor Hoak from Michael McLennan, Hamburg Moose #992, thanking him for attending their 13th annual Memorial Day Flag Burning Ceremony.

91 - To Supervisor Hoak from Ansuini & Pohlman acting on behalf of Harry & Esther Hiller requesting the rezoning of their property on North Creek Road from C-2 to N-C to permit the sale of the property for the purpose of constructing a single family residence.(pre-filed)

92 - To the Town Board from John Leitten, 6120 McKinley Pkwy., requesting permission to establish a geocaching site on the grounds at the Nike Site.

93 - To the Town Board from Marianne Tomani, Woodlawn Beach Taxpayers Assoc., requesting them to address some concerns as stated.

94 - To Mr. Baker, Town Historian, commenting that the old fire bell located on the corner of Lakeshore and Old Milestrip was removed and placed on Old Milestrip before the baseball diamond. This landmark and historical marker was located there for almost 100 years, requesting that it be returned to its original location.

95 - To Supervisor Hoak from Tamara Franz, Youth Program Coordinator, thanking him for all the support from the Town, especially, Buildings and Grounds, Building Inspection, Police, Recreation and Traffic Safety. Also thanking Thomas Taylor, Shirley Anzalone and Rick Lardo. Stating that it meant a lot to have Councilwoman Hochul and Councilman Cavalcoli and Town Clerk, Cathy Rybczynski, attend the opening ceremony and help judge team banners.

96 - To Supervisor Hoak from the Erie County Development Agency concerning 2003 Creek Bend Heights Apartments Project. A public hearing will be held on July 14th at 11:00 a.m. in Hamburg Town Hall.